

REMARKS

The Office Action dated July 13, 2007 issued by the Examiner and the citations referred to in the Office Action have been carefully considered. Claims 1, 2, 5, 6, 8-12, 15, 16, and 18 are pending. Applicant has amended claims 8-11 to make clarifications and correct small typographical formalities (such as to eliminate semi-colons from the "comprising;" language). These amendments are not made for any purpose regarding patentability and would not require the Examiner to perform a search in view of such amendments. Further, no new matter was added in view of these amendments.

Claim Rejections - 35 U.S.C. § 103(a)

The Office Action rejected claims 1, 2, 5, 6, 8-12, 15, 16, and 18 under 35 U.S.C. § 103(a) over U.S. Patent No. 6,701,528 ("Arsenault") in view of U.S. Patent No. 6,002,694 ("Yoshizawa"). Applicant submits that these rejections should be withdrawn in view of the arguments discussed below.

Claim 1

With respect to claim 1, Applicant respectfully submits that neither Arsenault nor Yoshizawa teach "preventing playback of said recording of said selected one of said plurality of multimedia presentations upon completion of said presentation." First, the Examiner admits that Arsenault is "silent to preventing playback." See Office Action, page 3. Second, Yoshizawa is not directed to playback prevention, but rather to when the customer is charged for playback. See Yoshizawa, col. 5, lines 46-53. Yoshizawa will let the user watch the program as many times as he or she wants to watch it. The only question is how the user will be charged for the multiple viewings. Within a certain time window, Yoshizawa allows the user to watch the program multiple times and only be charged one fee. Outside that time window, Yoshizawa charges the user a second fee for additional viewings.

The Examiner characterizes the "specific time" in Yoshizawa by stating that "outside of the specific time, the viewer is not able to view of [sic] re-

view unless the viewer pay [sic] for the request.” See Office Action, page 3. According to the Examiner’s interpretation, the user would be stopped from viewing a program until the user actually pays a second fee. However, this is not how Yoshizawa is configured. On the contrary, Yoshizawa does not make a second payment a precondition for viewing the same program outside of the specific time. The main section of Yoshizawa cited by the Examiner, e.g., col. 5, lines 46-53, explains that a billing side receives an indication as to whether the subscriber should be billed or not. As Yoshizawa teaches sending a bill to subscribers, which is clearly after the subscriber watches the program, payment is not a precondition to watching a program as characterized by the Examiner. Yoshizawa further explains that the time window is purely for billing purposes by stating that “[s]ince the program code of the program descrambled by the signal processing system is transmitted to the billing side and the same program is transmitted only once within the specifically set unit time even if the same program is viewed a plurality of times, the subscriber can view the same program a plurality of times within the specific time with a same fee.” See Yoshizawa, col. 17, lines 47-53.

For example, the concept taught in Yoshizawa is seen in many modern day video on demand systems. A user may purchase a video through a video on demand system and get billed a fee for that purchase on his or her monthly statement. That purchase may allow the user to watch the video multiple times throughout a day without having to pay any additional fees. However, if the subscriber would like to watch the video a week later, the user will have to repurchase the video and get billed another fee that shows up on his or her monthly statement. In other words, Yoshizawa does not wait to receive a fee before allowing a user to watch a program. Yoshizawa actually encourages, rather than prevents, the user from watching the program outside the specific time window because the system in Yoshizawa generates more fees when the user watches the video multiple times outside the specific time window than inside the specific time window.

Accordingly, Applicant submits that the combination of Arsenault and Yoshizawa does not teach “preventing playback of said recording.” Therefore, Applicant respectfully requests that the rejection of claim 1 be withdrawn.

Claims 2, 5-6, and 8-10

Claims 2, 5-6, and 8-10 depend from independent claim 1. Therefore, the rejections of claims 2, 5-6, and 8-10 should be withdrawn for the reasons discussed with respect to claim 1.

Claim 11

Independent claim 11 is directed to a system that has "a performance control system for preventing subscriber playback of said recording." Accordingly, the combination of Arsenault and Yoshizawa does not teach "a performance control system for preventing subscriber playback of said recording" for the reasons discussed with respect to independent claim 1. Therefore, Applicant respectfully submits that the rejection of independent claim 11 should be withdrawn.

Claims 12, 15-16, and 18

Claims 12, 15-16, and 18 depend from independent claim 11. Therefore, the rejections of claims 12, 15-16, and 18 should be withdrawn for the reasons discussed with respect to claim 11.

Having fully addressed the Examiner's rejections, it is believed that this application is in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled. It is believed that no fee is required for this amendment. If however any fee is owed, please charge Deposit Account 07-0832.

Respectfully submitted,

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